

RESPONSE AND REQUEST FOR RECONSIDERATION

In response to the Office Action of January 16, 2009, Applicants hereby request the Examiner to reconsider the claims in view of the present amendments and remarks.

Claim Amendments

Claims 1, 6, 10, and 11 has been re-worded to specify the metal of either the metal hydroxide or the metal base is selected from the group consisting of lithium, potassium, sodium, copper, zinc, magnesium, calcium, barium, iron, cerium, and mixtures thereof.

The re-wording is fully supported by the specification page 6, line 30 to page 7, line 4, and does not add subject-matter.

Novelty and Obviousness Rejections

The Examiner has not raised a 35 U.S.C. §102(b) rejection to claims 1-15. Accordingly, it is submitted that all claims are considered novel.

The Examiner has raised a 35 U.S.C. §103(a) rejections to claims 1 to 15 over Forsberg (US 4,094,801) in view of Crawford (EP 0 288 296), and in view of Young (GB 1 061 161) and further in view of Magyar (US 5,851,961), and further in view of Sim (US 4,215,600). The Applicant respectfully traverses.

The Examiner has maintained the 35 U.S.C. §103(a) rejection over Forsberg, Crawford and Young in relation to claims 1-3 and 5-15. The rejection to claim 4 further in view of Magyar has also been maintained. However, in addition, the Examiner now raises the 35 U.S.C. §103(a) rejection further in view of Sim. The Examiner contends that Sim discloses a slurry of alumina or aluminium hydroxide which preferably have fine particle size of less than 1 micron.

The Applicants submits that Sim discloses (as is stated in claim 1) a method of preparing a porous structure for retaining molten electrolyte within an electrochemical cell comprising: preparing a reaction mixture containing oxidized aluminum as alumina or aluminum hydroxide slurry with a solution of lithium hydroxide to react with said oxidized aluminum and form lithium aluminate; reducing said mixture to dryness; calcining said

dried mixture to form a dehydrated powder containing beta lithium aluminate; compacting said powder containing beta lithium aluminate to form a porous green compact; and sintering said compact at a temperature in excess of 1200 K but less than the melting point of lithium aluminate simultaneously to form a porous integral structure and to convert said beta lithium aluminate to gamma lithium aluminate. Thus, Sim discloses a porous sintered tile is formed of lithium aluminate for retaining molten electrolyte within a fuel cell (and also noted in the abstract of Sim). As a porous sintered tile, the product of Sim would not be expected by the person of ordinary skill in the art to be useful in lubricant compositions. The reason is because a tile (as noted in Sim) would not be dispersible or soluble in oil or liquid fuel.

In view of the remarks by the Examiner and the observations above, the resultant combination of Forsberg, Sim, Crawford and Young as suggested by the Examiner would therefore result in an aluminium-containing product.

In contrast, the present invention specifies that the metal of either the metal hydroxide or the metal base is selected from the group consisting of lithium, potassium, sodium, copper, zinc, magnesium, calcium, barium, iron, cerium, and mixtures thereof. The composition of the present invention is dispersible or soluble in an organic medium (such as an oil of lubricating viscosity, a liquid fuel, a hydrocarbon solvent, or mixtures thereof). This is evident from claim 1 of the present invention because it relates to a composition comprising an organic medium (see claim 1 for reference to organic medium, and claim 5 for specific examples that include an oil of lubricating viscosity, a liquid fuel, a hydrocarbon solvent, or mixtures thereof). This is further evident from the Applicant's claims because claim 10 is a grease, and claims 11-15 relate to fuel compositions.

If a person of ordinary skill in the art were therefore to combine Forsberg, Sim, Crawford and Young as suggested by the Examiner, the composition as presently claimed would not be derived. Accordingly, it is submitted that in view of the differences highlighted between the presently amended claims and the prior art, that the present invention is unobvious over Forsberg, Sim, Crawford and Young. The Examiner is

requested to withdraw the 35 U.S.C. §103(a) rejection over Forsberg, Sim, Crawford and Young and find all claims allowable.

Conclusion

For the foregoing reasons, it is submitted that the present claims are in condition for allowance. The foregoing remarks are believed to be a full and complete response to the outstanding Office Action. Therefore, an early and favorable reconsideration is respectfully requested. If the Examiner believes that only minor issues remain to be resolved, a telephone call to the undersigned is suggested.

The Commissioner is authorized to charge the required fees for filing this response in time to meet the 4 month deadline of the Office Action from The Lubrizol Corporation Deposit Account No. 12-2275.

Enclosures: Petition for one month time extension

Respectfully submitted,

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